

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. SHAKMAN, et al.)	
)	
Plaintiffs,)	
)	
v.)	No. 69 C 2145
)	
COOK COUNTY , et al.)	Mag. Judge Sidney I. Schenkier
)	
)	
Defendants.)	

**DECLARATION OF PROOF OF PUBLICATION
OF NOTICE OF HEARING**


I, Brian I. Hays, being duly sworn, state as follows:

1. A true and correct copy of the Notice of Hearing on Joint Motion to Set a hearing Date and for a Finding of Substantial Compliance and Dismissal of the County of Cook was published in the Front Section of the Chicago Tribune on September 19, 2018. *See* Exhibit A.

2. A true and correct copy of the Notice of Hearing on Joint Motion to Set a hearing Date and for a Finding of Substantial Compliance and Dismissal of the County of Cook was published in the Front Section of the Chicago Sun-Times on September 21, 2018. *See* Exhibit B.

I state under penalty of perjury that the foregoing is true and correct.

Dated: October 26, 2018



Brian I. Hays

Roger R. Fross
Brian I. Hays
LOCKE LORD LLP
111 S. Wacker Dr.
Chicago, IL 60606
312.443.1707

CERTIFICATE OF SERVICE

I, Brian I. Hays hereby certify that I have caused a true and correct copy of the foregoing to be served upon all counsel of record via E-Filing on the 26th day of October, 2018.

/s/ Brian I. Hays
One of the Attorneys for Class Plaintiffs

EXHIBIT

A

Chicago Tribune

Sold To:
Locke Lord LLP - CU00342020
111 S Wacker Dr
Chicago, IL 60606

Bill To:
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111 S Wacker Dr
Chicago, IL 60606

Classified Advertising: 5879518
Purchase Order: Shakman v.Cook-ChiTrib-9.19

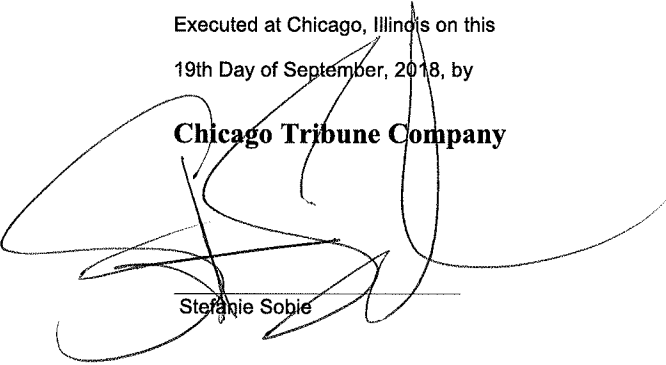
Certificate of Publication:

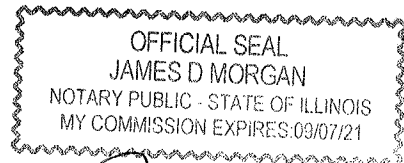
Chicago Tribune Company hereby certifies that it is the publisher of the Chicago Tribune; that the Chicago Tribune is an English language newspaper of general circulation, published daily in the City of Chicago, County of Cook and State of Illinois; that the Chicago Tribune has been so published continuously for more than one year prior to the date of first publication mentioned below and is further a newspaper as defined in Ill. Rev. Stat. Ch. 100, SS 5 & 10; that the undersigned is the duly authorized agent of the Chicago Tribune Company to execute this certificate on its behalf; and that a notice of which the annexed is a true copy was printed and published in said newspaper

On the following days, to-wit: **Sep 19, 2018.**

Executed at Chicago, Illinois on this
19th Day of September, 2018, by

Chicago Tribune Company


Stefanie Sobie





This electronic tearsheet confirms the ad appeared in The Chicago Tribune on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

Publication Date: 09/19/2018

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EXHIBIT

B

LOCKE LORD LLP
Hearing 69C2145

ADORDERNUMBER: 0001069979-02
PO NUMBER: Hearing 69C2145
AMOUNT: 7,880.25
NO OF AFFIDAVITS: 1

Chicago Sun-Times Certificate of Publication

State of Illinois - County of Cook

Chicago Sun-Times, does hereby certify it has published the attached advertisements in the following secular newspapers. All newspapers meet Illinois Compiled Statute requirements for publication of Notices per Chapter 715 ILCS 5/0.01 et seq. R.S. 1874, P728 Sec 1, EFF. July 1, 1874. Amended by Laws 1959, P1494, EFF. July 17, 1959. Formerly Ill. Rev. Stat. 1991, CH100, Pl.

Note: Notice appeared in the following checked positions.

PUBLICATION DATE(S): 09/21/2018

Chicago Sun-Times

IN WITNESS WHEREOF, the undersigned, being duly authorized,
has caused this Certificate to be signed

by



Mary Lou Davis
Account Manager - Public Legal Notices

This 21st Day of September 2018 A.D.

LOCKE LORD LLP
111 S. WACKER DRIVE
CHICAGO, IL 60606

**IMPORTANT NOTICE OF HEARING
ON JOINT MOTION TO SET A HEARING DATE FOR
SUBSTANTIAL COMPLIANCE AND DISMISSAL OF THE COUNTY OF COOK**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. SHAKMAN, et al.,

No. 69 C 2145

Plaintiffs,

Hon. Sidney Schenkier

COUNTY OF COOK, et al.,

Defendants.

TO: ALL PAST, PRESENT AND FUTURE PERMANENT AND TEMPORARY EMPLOYEES OF THE COUNTY OF COOK IN THE OFFICES UNDER THE JURISDICTION OF THE PRESIDENT, COOK COUNTY HEALTH AND HOSPITALS SYSTEM, OFFICE OF THE INDEPENDENT INSPECTOR GENERAL AND PUBLIC DEFENDER, PAST, PRESENT AND FUTURE APPLICANTS FOR EMPLOYMENT WITH THE COUNTY OF COOK AND CANDIDATES AND VOTERS OF COOK COUNTY, ILLINOIS.

THIS NOTICE IS TO INFORM YOU THAT THE PARTIES IN THE SHAKMAN CASE HAVE FILED A JOINT MOTION TO SET A HEARING DATE AND FOR A FINDING OF SUBSTANTIAL COMPLIANCE AND DISMISSAL OF THE COUNTY OF COOK ("COUNTY"). IF THE COURT FINDS THE COUNTY IS IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF A PRIOR COURT ORDER AND 1994 CONSENT DECREE, DESCRIBED BELOW, FEDERAL COURT OVERSIGHT OF THE COUNTY IN THIS CASE WILL END.

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY.

YOU ARE NOTIFIED:

- On August 31, 2018, the parties filed a Joint Motion to Set a Hearing Date and for a Finding of Substantial Compliance and Dismissal of the County of Cook from the *Shakman* lawsuit. As required by a prior Court order and the 1994 Consent Decree (referred to as the "SRO" and "1994 Consent Decree"), more fully described below, the County has taken steps that the parties and the Court-Appointed *Shakman* Decree Compliance Administrator ("CA") believe constitute Substantial Compliance with the prior order and agreement.
- The Court will hold a hearing on October 31, 2018, at 10:00 a.m., to decide whether to dismiss the County of Cook from the *Shakman* lawsuit.

This Notice explains how you can participate in or object to the Joint Motion. Full details and copies of the Joint Motion, the Compliance Administrator's Final Report concluding that the County has met the requirements to be dismissed from this case, the County's Memorandum in Support of the Joint Motion for Entry of an Order of Substantial Compliance, and other relevant documents can be found on the Compliance Administrator's website, www.countyshakman.com and the County's website at www.cookcountyll.gov.

The Lawsuit

On October 28, 1969, Michael L. Shakman and Paul M. Lurie filed suit on behalf of themselves and all candidates for public office and registered voters asking the Court to prohibit the County of Cook and its President, among other defendants, from conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor in a case captioned *Shakman v. Democratic Organization of Cook County*, No. 69 C 2145. In 1972, Defendant, County entered a Consent Decree ("1972 Consent Decree") which, among other things, prohibited the County from conditioning, basing or knowingly prejudicing or affecting any term or aspect of governmental employment, with respect to one who is at the time already a governmental employee, upon or because of any political reason or factor. On January 7, 1994, the County entered a second Consent Decree which incorporated the 1972 Consent Decree's prohibitions and extended those prohibitions to include the County's hiring practices, with certain exclusions. On November 30, 2006, the County and the Plaintiffs Class Members agreed to enter a Supplemental Relief Order ("SRO"). The SRO provided that the County would create a new, revised hiring plan to be filed with and approved by the Court. This new plan would also include a new list of proposed exempt positions that would be presented to the Plaintiffs for comment and discussion in a good faith effort to reach an agreement on the list. The SRO also contained a provision stating that the remaining applicable parts of the 1994 Consent Decree would remain in full force and effect. The SRO was ultimately approved by the Court on February 2, 2007 and resulted in the appointment of the CA to oversee the County's compliance.

Standard for Substantial Compliance with the SRO

The SRO required the County to develop and implement new policies and procedures governing hiring and other employment actions. The SRO also included a definition of Substantial Compliance and a procedure for ending federal court oversight of the County's employment actions. The SRO included the following standard for determining whether the County has achieved Substantial Compliance:

- (1) The County has implemented a new Employment Plan, including procedures to ensure compliance with the new Employment Plan and identify instances of non-compliance;
- (2) the County has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;
- (3) the County does not have a policy, custom or practice of making employment decisions based on political factors except for Exempt Positions;
- (4) the absence of material noncompliance; and
- (5) County has implemented procedures that will effect long-term prevention of the use of impermissible political considerations in connection with employment with the County.

Over the last several years, the County has worked to achieve Substantial Compliance. Among other things, the County has adopted and implemented an Employment Plan for all County departments (inclusive of the Office of the Public Defender) and Employment Plans for the Cook County Health and Hospitals System and the Office of the Independent Inspector General. The County has also implemented policies and procedures governing other employment actions. The County has also authorized the Office of the Independent Inspector General and various County Compliance Officers to monitor, investigate and audit the County's compliance with the Employment Plans and the new policies and procedures. The parties and the CA agree that the County has met the requirements for a finding of Substantial Compliance under the SRO and 1994 Consent Decree. For a more detailed statement on the steps taken by the County and the basis for the CA's conclusion that the County has achieved Substantial Compliance, see the CA's Report, which is available on the CA's website, at www.countyshakman.com.

Objecting to the Motion for a Finding of Substantial Compliance

Any member of the plaintiff classes - who consist of present and future applicants for employment with the County, past, present and future employees of the County, registered voters, and candidates for public office - may file a written objection to the Motion with the Court. The objection must state, its substance, the nature of the objector's interest in the case and the name and address of the objector. **Written objections must be filed with the Court prior to 3:00 p.m. on October 12, 2018**, showing copies of the objection were mailed to Daniel Brennan, Jr., Assistant State's Attorney of the County of Cook, Cook County State's Attorney's Office, 50 W. Washington, Room 500, Chicago, Illinois 60602, Brian Hays, counsel for the plaintiff classes, Locke Lord LLP, 111 South Wacker Drive, Suite 4100, Chicago, Illinois 60606, and Mary Robinson, Shakman Compliance Administrator, 69 W. Washington Blvd., Suite 840, Chicago, Illinois 60602 and indicate on the first page that it relates to Case No. 69 C 2145. A Class Member who files a written objection is not required to appear in person at the hearing for the Court to consider the objection.

Public Hearing on Joint Motion

A hearing will be held in Room 1843 of the United States Courthouse, 219 South Dearborn Street, Chicago Illinois, at 10:00 a.m. on October 31, 2018, to determine whether the Court should dismiss the County of Cook from the lawsuit.

Class Members are welcome to attend the hearing, at their own time and expense, and they may request permission to speak to the Court by following the procedure described below. Class Members may also hire their own lawyers at their own expense to speak on their behalf. If Class Members have sent a written objection, they do not need to come to Court. If the Class Member's objection was postmarked or delivered on time, the Court will consider it.

If a Class Member wishes to speak at the hearing, she or he must ask the Court for permission. To do so, a Class Member must submit a written request to the Clerk of the Court at the address listed above, and mail copies to Mr. Hays, Mr. Brennan and Ms. Robinson at their addresses listed above, requesting permission to speak at the hearing in the case of *Shakman v. Democratic Organization of Cook County*, No. 69 C 2145, scheduled for October 31, 2018. The request should summarize the Class Member's position and the basis for that position. The request for permission to speak must be received by the Clerk of the Court prior to 3:00 p.m. on October 12, 2018. The Court may, or may not, grant the request to be heard.

DO NOT CALL OR WRITE THE COURT TO OBTAIN COPIES OF DOCUMENTS OR TO ASK QUESTIONS ABOUT THE HEARING. THIS NOTICE PROVIDES INFORMATION ON HOW TO OBTAIN DOCUMENTS RELEVANT TO THE MOTION.

Dated: Chicago, Illinois
September 4, 2018

Hon. Sidney I. Schenkier
United States Magistrate Judge

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